

**Delaware Department of Agriculture
Pesticides Section
2320 S. DuPont Highway
Dover, Delaware 19901
Pesticide Enforcement Action**

Respondent:

JT Snow Removal dba Delaware Landscaping Services Inc.
800 New Burton Road
Dover, DE 19904

Violation:

§1224(c)(1) Operating in a faulty, careless or negligent manner
§1224 (a)(10) Neglecting or, after notice, refusing to comply with the LAW, the rules adopted under the LAW, or any lawful order of the Department;

Penalty:

Respondent signed a consent agreement June 10th 2019. In the agreement, Respondent agrees to the imposition of disciplinary sanctions which included a civil penalty of \$1120.00 for violating §1224(a)(10) and (c)(1).

STIPULATED FACTS

1. JT Snow Removal Inc. dba Delaware Landscaping Services Inc. (“Respondent”) is a commercial pesticide applicator business with an office located at 800 New Burton Road, Dover, DE 19904. Respondent is licensed (License No. 1609) by the Delaware Department of Agriculture (“the Department”). Ryne Taylor is the Manager of Respondent and is certified by the Department as a commercial pesticide applicator (Cert. # 18-112), in Category 7.3, Ornamental and Turf Pest Control (03).
2. Respondent employs Jamie Russell. Mr. Russell is now a registered service employee for Respondent; Mr. Russell was not a service employee at the time of the inspection.
3. The Pesticide Section of the Department (“Complainant”) is bringing this enforcement action against the Respondent. James Hughes, (“Hughes”), is employed as an Environmental Program Manager I with the Department.
4. On March 29th 2019, Hughes observed a white bucket at the entrance of the Roseville

development. Hughes stopped to check and see what was in the bucket. Upon inspection the bucket appeared to have a pre-emergent weed control granule in it. Several minutes later two of the Respondents trucks arrived. Hughes interviewed Jamie Russell. Mr. Russell stated that he believed the product was Snapshot. One of the crew members called the office to get the name of the product in the bucket. The crew member received a text stating the product in the bucket was FreeHand. The second company truck also had a bucket of FreeHand. No product label was onsite during the inspection.

5. None of the employees on site were registered service employees. Three of the workers stated that they had worked for the company for three years. The other two had recently started with the company in the last 30 days. Hughes asked if any of the workers had received safety training which they replied no. Hughes asked Mr. Russell for a copy of the application records for the job. Mr. Russell stated that he was not keeping records of their FreeHand applications.
6. FreeHand 1.75 G Herbicide, EPA Reg. No. 7969-273 is a registered pesticide in Delaware. The Freehand label states in part: “KEEP OUT OF REACH OF CHILDREN.”
7. The Freehand label states in part: “For preemergence control of the listed weed species (See table 6 in Weed Species Controlled section) using broadcast spreader equipment, apply FreeHand 1.17G at the following rates.” During the inspection Hughes did not see any type of application equipment to go with the buckets of FreeHand.
8. Title 3 Agriculture Delaware Administrative Code 601 Delaware Pesticide Rules and Regulations 14.1- Commercial Applicators shall for a period of two year from the date of application, keep records detailing the application of any pesticide to include:

14.1.1 The brand name of the pesticide used. In the case of a Restricted Use Pesticide or a pesticide which is used under the provisions of **40 Code of Federal Regulations**, Part 170, Worker Protection Standards, the EPA Registration Number shall also be recorded at or before the time of application.

14.1.2 When applicable, the dilution rate of the pesticide and the amount of diluted material applied per unit (i.e. gallons/acre, lbs./acre, etc.)

14.1.3 The date and specific area treated.

14.1.4 The pest against which the pesticide was used.

14.1.5 The applicator's name, and when applicable, the name of the certified applicator responsible for his supervision.

14.1.6 When label directions advise precaution in regard to drift, on-site weather conditions to include:

14.1.6.1 Wind velocity and direction

14.1.6.2 Temperature

14.1.6.3 Relative humidity

14.1.7 In addition to the above record keeping requirements, the applicator shall have available at the site of application, a copy of the label of the pesticide being used. Upon request, the applicator shall provide any interested person at or adjacent to the application site, with any information contained on the pesticide label.

9. In the past 5 years, Respondent has not had a violation involving **3 DEL.C.**, Chapter 12, and/or the Delaware Pesticide Rules and Regulations.